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Port of Oakland

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERRY BROWN,

Plaintiff,

vs.

PORT OF OAKLAND,

Defendant.

Case No. C 08-02358SI

**AMENDED NOTICE OF MOTION AND  
MOTION TO DISMISS PURSUANT TO  
FED. R. CIV. P. 12(b)(6); AND IN THE  
ALTERNATIVE, MOTION FOR  
SUMMARY JUDGMENT PURSUANT TO  
FED. R. CIV. P. 56(c)**

**Date: August 1, 2008  
Time: 9:00 a.m.  
Courtroom: 10 – 19<sup>th</sup> Floor**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 1, 2008 at 9:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 10 of the above-entitled court, located on the 19th floor at 450 Golden Gate Avenue, San Francisco, California, Defendant the Port of Oakland will move, and hereby so moves, for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiff Terry Brown's Complaint on the ground that the Complaint fails to state a claim upon which relief can be granted. In the alternative, Defendant will move, and thereby so moves, for an order, pursuant to Fed. R. Civ. P. 56(c), granting summary judgment in favor of Defendant on the grounds that no genuine issue of material fact exists in this matter.

1 Said motions shall be based upon this notice of motion and motion, the Memorandum of  
2 Points and Authorities in support thereof, all pleadings, documents and records on file with the  
3 Court, and such other and further oral and documentary evidence as may be presented to the  
4 Court prior to, or at the time of the hearing on this matter.

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6 Dated: June 23, 2008

Wendel, Rosen, Black & Dean LLP

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8 By: /s/ Edwin J. Wilson, Jr.

9 Edwin J. Wilson, Jr.  
10 Attorneys for Defendant  
11 Port of Oakland  
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